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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/938,714  | 08/23/2001  | Chantal Roth         | NADII.030A          | 1777             |
| 25297   | 7590        | 06/04/2004           | EXAMINER            |                  |
| JENKINS & WILSON, PA<br>3100 TOWER BLVD<br>SUITE 1400<br>DURHAM, NC 27707 |             |                      | MIZRAHI, DIANE D    |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2175                | //               |
| DATE MAILED: 06/04/2004   |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                              |                  |
|------------------------------|------------------------------|------------------|
| <b>Office Action Summary</b> | Application No.              | Applicant(s)     |
|                              | 09/938,714                   | ROTH, CHANTAL    |
|                              | Examiner<br>DIANE D. MIZRAHI | Art Unit<br>2175 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 August 2001.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

DIANE D. MIZRAHI  
PATENT EXAMINER  
TECHNOLOGY CENTER 2100

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 23 August 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \*    c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6-7</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____.                                   |

Claims 1-18 are presented for examination.

**Claim Objections**

Claim 18 is objected to because of the following informalities:

Claim 18 reads, "the method of claim 18". Claim 18 cannot depend on Claim 18. Does Applicant intend for claim 18 to depend on claim 17? Appropriate correction is required.

**Claim Rejections - 35 USC § 112**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

Claim 15 recites the limitation "the nodes" in line 22. There is insufficient antecedent basis for this limitation in the claim.

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Li et al. (U.S. Patent No. 6,697,818 B2 and Li hereinafter).

Regarding Claims 1, 7 and 14, Li teaches A system for searching a database of biological information, said system comprising: a server computer (col 14, lines 2-20) comprising a database (col 7, lines 28-44) of biological information (i.e. medical) (col 10, lines 7-13) and a first module for receiving a structured language query and transferring said query to a search engine; (col 9, lines 12-29) a database graph generation module associated with said search engine configured to generating a database graph (col 10, lines 57-60); and a joins module configured to create joins between database tables based on said database (col 14, lines 21-30) graph (col 10, lines 57-

Art Unit: 2175

60), wherein said server (col 14, lines 2-20) computer runs a structured query language (SQL) search (col 14, lines 55-60) on said database based upon said joins (col 14, lines 21-30).

Regarding Claim 2, Li teaches a second module that receives the results of said SQL search and translates said search results into a structured language (col 14, lines 21-30).

Regarding Claim 3, Li teaches wherein said structured query language (col 14, lines 21-30) is sent to a client computer (col 7, lines 45-65).

Regarding Claim 4, Li teaches wherein said first module comprises a user interface that provides a list of searchable fields within said database (col 7, lines 28-44).

Regarding Claim 5, Li teaches wherein said first module comprises a viewer module configured to present search results (col 7, lines 28-44) in a graphical format (col 10, lines 57-60).

Regarding Claims 6 and 18, Li teaches wherein said structured language comprises the (col 14, lines 21-30) extensible markup language (XML), JavaScript, or the hypertext markup language (HTML) (col 1, lines 19-38).

Regarding Claim 8, Li teaches XML (col 1, lines 18-38) send/receive Module for sending and receiving information to and from a Search Panel Module stored on a Client Computer (col 1,

lines 18-37).

Regarding Claim 9, Li teaches wherein said XML send/receive Module receives an XML structured query from a Client Computer, and delivers said XML structured query to a search tool module (col 1, lines 18-38).

Regarding Claim 10, Li teaches wherein said Database Graph Generation Module creates a graph (col 10, lines 57-60) of a user-selected database (col 7, lines 28-35).

Regarding Claim 11, Li teaches wherein said Create Joins Module utilizes said database graph (col 10, lines 57-60) to create joins between database tables (col 14, lines 21-30) .

Regarding Claims 12 and 15, Li teaches wherein said Create Joins Module calculates the shortest path between two database nodes thereby optimizing the retrieval of requested database data (col 11, lines 59-67 to col 12, lines 1-7).

Regarding Claims 13 and 16, Li teaches a SQL statement generation module for translating said XML structured query into an SQL statement (col 14, lines 21-30) and sending said SQL statement to said Relational Database (col 1, lines 56-67 to col 2, lines 1-15).

Regarding Claim 17, the limitation of this claim has been rejected in the claim above. In addition, Li teaches displaying

(Figure 36).

**Other Prior Art Made of Record**

The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diane D. Mizrahi whose telephone number is (703) 305-3806. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on (703) 305-3830. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-9000 for regular communications and (703) 305-9000 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9001.

  
Diane Mizrahi  
Primary Patent Examiner  
Technology Center 2100

May 27, 2004